

DIST./C. FICE	DOCKET		FILING DATE			J	N/S	O	R	R	23	\$	DEMAND	OTHER	JUDGE	JURY	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR										NUMBER	DEM.	YR.	NUMBER
1085	75	0384	08	20	75	4	195	1					1,800		8509		75	0384-B

PLAINTIFFS

JOHN ZINK COMPANY

DEFENDANTS

~~TUTTLE ELECTRIC PRODUCTS DIVI-~~
~~SION - EMERSON ELECTRIC COMPANY,~~
~~a Missouri Corporation, and~~
~~MORTEX, INC. d/b/a TERRELL J.~~
~~SMALL COMPANY~~

CAUSE

U.S.C. Title 28, Section 1332
 Breach of implied and express warranties, negligence, and misrepresentation
 causes of action.

ATTORNEYS

Robert G. Green
 CHARLES S. HOLMES
 DOYLE, HOLMES, GASAWAY & GREEN
~~XXXXXXXXXXXXXXXXXXXX~~ P. O. Box 1679
 Tulsa, Oklahoma 74101
 918/932-4242

Dan A. Rogers (Mortex, Inc. d/b/a Terrell J
~~117 East 5th Street~~ Small Co.)
~~Tulsa, OK 74103~~
~~583-5111~~
 John R. Laurence J. Yadon, II
 Caslavka & Thomas L. Palmer (Emerson Electric
 520 Center Buidling Co.)
 630 West Seventh Street
 Tulsa, Oklahoma 74127
 918-583-5111

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	9-1-75
				JS-6	9-1-79

DATE	NR.	PROCEEDINGS
8-20-75	1.	Complaint, filed. Summons, issued. lm
9-2-75		Summons, ret. & filed: served Tuttle Electric Products Division - Emerson Electric Co. by serving The Corp. Co., Okla. City., on 8-22-75; served Mortex, Inc. dba Terrell J. Small Co. by serving Agt.; Terrell J. Small, Ft. Worth, Tx. 8-25-75. (USM \$10.40)g
9-8-75	2	Deft. Mortex, Inc., d/b/a Terrell J. Small Co.'s appl. for time to ans., filed.k
9-10-75	3.	of deft. Emerson Electric Appl./for Order Enlarging Time within which to Plead, filed. mm
9-10-75	4.	Order, filed, granting deft. Emerson Electric 15 days or til 9-25-75 to respond, filed. (JCS-C) cps mld per aty mm
9-10-75	5.	Order, filed, granting deft. Mortex, Inc., d/b/a Terrell J. Small Co., until 9-24-75 to answer Complaint. (AEB-J)lm cps mld.
9-24-75	6.	Application of the deft. Mortex, Inc., d/b/a Terrell J. Small Co., for an extension of time to answer Complaint of the plaintiff, filed. mm (O to J)
9-25-75	7.	Order, filed, that deft. Mortex, Inc., is granted til 10-30-75 to answer complaint, filed. (AEB-J) cps mld mm
9-25-75	8.	Deft's Emerson Electric Co., Motion to Abate Proceedings, filed. mm
9-25-75	9.	Brief in Support of Motion to Abate Proceedings of Deft. Emerson Electric Company, filed. mm
9-25-75	10.	Deft's Emerson Electric Co., Motion to Transfer, filed. mm
9-25-75	11.	Brief in Support of Motion to Transfer of Deft. Emerson Electric Co., filed. mm
9-25-75	12.	Deft's Emerson Electric Co., Motion for a More Definite Statement, filed. mm
9-25-75	13.	Brief in Support of Motion for More Definite Statement of Deft. Emerson Electric Co., filed. mm
9-25-75	MO:	Ordered by the Ct. that Plaintiff file responsive briefs within 10 days to the motions of the defendant Tuttle Electric Products Division-- Emerson Electric Company to Abate Proceedings, Transfer, & for a More Definite Statement. (AEB-J) cps mld mm
9-25-75	14.	Motion to Strike of Emerson Electric Company, filed. mm
9-25-75	15.	Motion to Dismiss of Emerson Electric Company, filed. mm
9-26-75	16.	Brief in support of mo/strike of Emerson, filed. rm
9-26-75	17.	Brief in support of mo/dismiss of Emerson, filed. rm
9-29-75	MO:	Ordered by the Ct. that pltf. is granted 10 days to respond to motion to strike and mo/dismiss of def., Emerson. (AEB-J)rm-letter
10-6-75	18.	Appl. for enlargement of time to file responsive brief, fld by Pltf. v (o)
10-6-75	19.	Order, filed, granting pltf. 15 days from 10-7-75 to file responsive brief to deft. Emerson's several motions. (AEB-J)g <i>Hand</i>
10-22	20.	Pltf. John Zink Co's memorandum response to deft. Emerson's mo/abate, filed. hm
10-22	21.	John Zink Co's memo. response to deft. Emerson's mo/more definite statement, filed. hm
10-22	22.	John Zink Co's memo. response to deft. Emerson's mo/transfer, filed. hm
10-22	23.	Affidavit of William P. Bartlett in support of pltf. John Zink Co's response to Emerson's mo/transfer, filed. hm
10-22	24.	John Zink Co's response to deft. Emerson's mo/dismiss, filed. hm
10-22	25.	John Zink Co's memo. response to deft. Emerson's mo/strike, filed. hm

(cont.)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-384</u>
JOHN ZINK COMPANY		TUTTLE ELECTRIC PRODUCTS, ET AL	PAGE <u>2</u> OF <u> </u> PAGES
DATE 1975	NR.	PROCEEDINGS	
10-30	26.	Separate Answer of Deft. Mortex, Inc., d/b/a Terrell J. Small Co., filed.k	
11-14	MO	Case referred to Magistrate Bradford for F&R re all pending mots. (AEB-J)k	
11-21	27.	Deft. Emerson's memorandum in opposition to pltf's response of 10-22-75, filed.k	
11-24	28	Pltf's first interrog. directed to the Deft. Emerson Electric Co., filed.k	
11-24	29	Pltf's first request for admissions directed to Deft. Emerson Electric Co., filed.k	
12-22	30.	Appl. of Deft. Emerson Electric Co. for ext. of time to file responses to Pltf.'s 1st Interrogs. & 1st Request for Adm., filed. v <i>as part of pldg.</i>	
12-23	31.	John Zink Co.'s suppl. memo. response to Deft. Emerson's Mot. to transfer, filed. v <i>as part of pldg.</i>	
12-31		Order granting Deft. Emerson Elect. Co. 30 days from the 24th of Dec. to and including the 23rd day of Jan., 1976 within which to respond to Pltf's First Interrogatories & Request for Admissions. (AEB-J)tc cps. mld.	
<u>1976</u>			
1-19	MO:	Case set for hrg. before Mag. on 2-18-76 at 1:30 p.m. (MLB-Mag)ph cpy by KT	
1-22	32.	Answers to interrogs., by deft. Emerson Electric Co., filed. ph	
1-22	33.	Answers to pltf's first request for admissions directed to the deft., Emerson Electric Company, filed. ph	
2-18	MO	Case called for hrg. before Mag. Bradford on motions. Parties present. Mag. recommends deft. Tuttle Electric Products Divisions's mot. to dismiss be overruled; mot. to transfer and mot. to abate be denied as moot. Recommends deft. Emerson's mot. to abate be denied as moot; and mot. for more definite statement be overruled; and mot. to strike pltf's demand for punitive damages be sustained with prejudice. Pltf. counsel to prepare F&R and proposed order within 10 days. (MLB-Mag)k	
2-24	34	Findings, Conclusions & Recommendations of Mag. on various motions of Deft. Emerson Electric Co., filed. Recommends mots. to dismiss, to transfer, to abate & for a more definite statement be overruled, and mot. to strike be sustained to the extent that the reference & prayer for punitive damages be stricken w/out prejudice to pltf. filing an amended compl. or including such a claim in the final PT Order if evidence should later support such a claim. (MLB-Mag)k cps mld	
3-9	35	Appl. of deft. Tuttle Electric for ext. of time to answer, filed. g	
3-10	36.	Order, filed, granting Deft. Tuttle Electric until 3-19-76 to ans. (AEB-J)v cps mld	
(over)			
DC-111A (Rev. 1/75)			

(over)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE 1976	NR.	PROCEEDINGS	
3-10	37.	Order, filed, overruling def't. Emerson Electric's mots. to dismiss, to transfer, to abate, and for more definite statement. Further, that Emerson Electric's mot. to strike be sustained to the extent that the reference & prayer for punitive damages be stricken without prejudice to pl'tf. filing an amended compl. or including such a claim in the Final Pretrial Order if evidence should later support a claim. (AEB-J)k cps mld	
3-19	38.	Answer and cross-petition of def't. Emerson Electric Co., filed. ph	
3-25	39.	Def't. Emerson Electric Co.'s first interrog. to pl'tf, filed.k	
3-26	40.	Request of def. Emerson Electric for production of documents and permission to copy and inspect of pl'tf., filed. rm	
3-31	41.	Pl'tf's reply to answer & cross-petition of def't. Tuttle Electric Prod. Div. - Emerson Elec. Co., filed.k	
5-5	42.	Application for Ext. of Time to file Def't. John Zink first set of Interrog., filed. 0-J t	
5-17	43.	Order, filed, granting pl'tf. til 5-17-76 to ans. def'ts' interrogs. (AEB-J)k cps mld	
5-19	44.	Answers to def't. Emerson Electric Co's first set of interrog., w/ exhibits, filed. hm	
5-20	45.	Pl'tf's notice of production of documents and permission to copy and inspect, filed, with objections.k	
5-28	46.	Def't. Tuttle's motion for order compelling answers to interrogatories, filed. s	
5-28	47.	Def't. Tuttle's motion for order compelling production of documents, filed. s	
5-28	48.	Brief in support of motion to compel answers and the production and inspection of documents, filed. s	
6-1	MO	Ordered by the Court that the pl'tf file a responsive brief within ten (10) days to motion compelling answers to interrogatories and motion compelling production of documents. (AEB-J) cps. mld.	
6-9	49.	Response of Pl'tf. to Def't's motion for Order compelling answers to interrogatories, filed. b	
6-9	50.	Brief in support of Pl'tf's response to Def't's motion for order compelling answers to interrogatories, filed. b	
6-24	51.	Pl'tf's notice of taking depositions of Robert Ogrodnik, W. R. Seeley, R. C. King and T. A. Barth before Clara Mosher, Notary Public, on 8-26-76, Rm. 214, Richard F. Poff Fed. Bldg, Roanoke, Virginia, filed.s	
6-24	52.	Pl'tf's notice of taking depositions of C. A. Brown, before Columbia Reporting Serv., Inc., on 8-25-76 in Jury Room, 1st Floor, U. S. Ct. House, Columbia, South Carolina, filed.s	
6-24	53.	Pl'tf's notice of taking depositions of L. D. Kokjohn, D. W. Hoffman, T. Chhatpar, and W. E. Zekoff before Dolores Brennan, Notary Public, on 8-30-76 in Room 2338a, U. S. Dist. Court, Dirksen Bldg., Chicago, Illinois, filed.s	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-384</u>
JOHN ZINK COMPANY		TUTTLE ELECTRIC PRODUCTS, ET.AL	PAGE <u>5</u> OF <u>3</u> PAGES
DATE	NR.	PROCEEDINGS	
1976			
6-30	54	Pltf's motion for order compelling answers to interrogatories, filed.s	
6-30	55	Pltf's brief in support of motion to compel answers to interrogatories, filed.s	
7-7	MO:	It is ordered by the Court that the Deft., Tuttle Electric Products Division - Emerson Electric Co., file a responsive brief within ten days to pltf's mot. for order compelling answers to interrog. (AEB-J)k	
7-15	56.	Deft. Tuttle's appl. for time til 7-27-76 to respond to pltf's mot. to compel, filed.k O to J	
7-16	57	Order, filed, granting deft. Tuttle until 7-27-76 to ans. (AEB-J)g	
7-16	58.	Deft. Tuttle's notice of taking depositions of Wm. Bartlett, James Tabor, John Nelson, John Alloway, & Ronald E. Cherry, on 7-28-76 at Tulsa, OK, filed.k Subpoenas issued.	
7-27		Return on service of subpoenas, filed. Served John Alloway, Wm. P. Bartlett, James Tabor and John R. Nelson, all on 7-16-76, at Tulsa, Oklahoma, w/ fees of \$40.00.k	
7-27	59.	Deft. Tuttle's appl. for time til 8-6-76 to file response to pltf's motion to compel, filed.k O to J	
7-30	60.	Order, filed, allowing until 8-6-76 for Deft. Tuttle to respond to Pltf's motion to compel. (AEB-J)b cps mld	
8-6	61.	Deft. Tuttle's response to pltf's mot. for order compelling ans. to first interros., filed.k	
8-6	62.	Brief-response to pltf's mot. for order compelling ans. to interros., filed by deft. Tuttle.	
8-12	63.	Mot. to quash re witness C. A. Brown, fld. v	
8-12	64.	Mot. to quash re witness T. Chhatpar, fld. v	
8-12	65.	Mot. to quash re witness W. E. Zekoff, fld. v	
8-12	66.	Consol. brief in support of mots. to quash by the Deft. Emerson Electric Co., fld. v	
8-13	MO:	Pltf. granted 10 days from this date to respond to the mots. to quash. (AEB-J)v	
8-20	67	Pltf's response to deft's motion to quash, filed.s	
8-23	MO	The Court has for consideration the mot. to quash filed by W. E. Zekoff & Emerson Electric Co., and the response filed by the pltf's., and being fully advised in the premises, IT IS ORDERED that said mot to quash be and the same is hereby overruled. (AEB-J)k cps mld	
10-18		Deposition of C. A. Brown on behalf of pltf., filed. g	
12-7	68.	Pltf's motion for leave of Court to amend complaint, filed.s O to J	
12-10	69.	Order, filed, allowing John Zink Co. leave of Court to amend complaint. (AEB-J)ph cps mld by pltf. atty.	
12-10	70.	Pltf's amended complaint, filed. ph	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-384-B</u>
John Zink		Tuttle Electric	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
<u>1976</u> 12-20		Dep. of Tribhuvan K. Chhatpar w/Chhatpar Exhibit No. 1 enclosed, and dep. of Wilbur E. Zekoff, filed. lm	
12-27	71.	Answer of def. Mortex, to pltf. amended complaint, filed. rm	
<u>1977</u>			
1-20	72.	Amended answer and cross-petition of deft. Emerson Electric Co. w/leave of court to file out of time, filed.s	
1-31	73.	Reply to Tuttle Electric Products Division Amended Answer and Cross-Petition, fld. by Pltf. v	
1-31	74.	Order, fld., that the mot. to compel. fld. by Deft. Tuttle Electric Products, etc. should be sustained as to Interrogatories 14, 17, 18, 19-23, and 25-27 and said interrogs. should be answered w/in 30 days. Further ordered that said mot. to compel as it relates to Interrog. No. 33 and Interrog. No. 37 should be overruled. Further ordered that no sanctions be imposed as prayed for by Pltf. (AEB-J)v	
2-3	MO	Due to a scrivener's error, IT IS ORDERED THAT nunc pro tunc ^{-cps. mld.} the Order heretofore entered on 1-31-77 be corrected as to the last paragraph on page 1 to read: IT IS THEREFORE, ORDERED that the mot. to Compel filed by the pltf., John Zink Co., should be sustained as to Interrogs. 14, 17, 18, 19, 20, 21, 22, 23, 25, 26 & 27 and said interrogs. should be answered w/in 30 days from this date. (AEB-J)k cps mld	
2-4	75.	Order, filed, that mot. to compel answers to interrogs. sustained as to nos. 4, 5, 8, 12, 14, 15, 16, 36, 37, 39, 40, 41, 45, 49, 50, 52, 54, 56, 57, 59, 63, 64, 66, 67, 73, 82, 83, 87, 88, 92, 96, 97, 98, 99, 102, 104, 105, 106, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 121; overruled as to nos. 7, 9, 10, 13, 17, 18, 19, 23; that the mot. for order compelling prod. of documents sustained as to nos. 2, 3, 4, 5, 6, 7, 9, 10, and 11, and that said interrogs. should be answered and said documents produced within thirty days from this date. (AEB-J)lm cps mld.	
3-2	76	Deft. Emerson Electric Co., appl. for ext of time to file answers to interrog. fld. O to J. ho	
3-3	77	Pltf. appl. for 10 additional days to ans. interrog. fld. O to J. ho	
3-4	78	Order, filed, granting deft. Emerson Elec. Co. til 4-1-77 to answer pltf's interrogatories. (AEB-J)k cps mld	
3-4	79	Order, filed, granting pltf. til 3-14-77 to answer interrogatories. (AEB-J)k cps mld	
3-14	80.	Appl. of Pltf., John Zink Co., for 20 additional days to ans. interrogs., fld. v	
3-15	81	Order fld. granting pltf., John Zink Co., until 4-3-77 to answer interrog. (AEB-J) cps mld. ho (o)	
4-1	MO	Parties are directed to hold a PT conference on or before 6-10-77 and to file an agreed PT Order on or before 6-17-77. (AEB-J)k cps mld	
4-4	82	Pltf. supplemental answers to Deft., Emerson Electric Co. first set of interrog. fld. ho	
4-4	83	Deft. Emerson Electric Co. appl. for ext. of time until 5-1-77 to prepare answers to interrog. fld. O to J. ho	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE _____ OF _____ PAGES
DATE	NR.	PROCEEDINGS	
1977			
4-7	84	Order, fld. granting Deft. Emerson Electric Co. an ext. of time until 5-1-77 to answer interrog. fld. by John Zink Co. (AEB-J) cps mld. ho	
4-11		Depositions of R. V. Ogrodnik, W. R. Seeley, & R. C. King received by mail and they are in 2 envelops. fld. ho	
5-2	85	Deft. Emerson Electric Co. supplemental answers to Pltf. first interrog. fld. ho	
5-10	86	Pltf. amended supplemental answer to Deft., Emerson Electric Co., first set of interrog. fld. ho	
5-18	87	Pltf. objection to supplemental ans. of Emerson Elec. Co. to Pltf. first set of interrog. and mot. to compel ans. fld. ho	
5-18	88	Pltf. brief in supp. of mot. to compel ans. to interrog. fld. ho	
5-18	MO	It is ordered by the Ct. that the Deft. Emerson Elec. Co. file a responsive brief w/in 10 days to Pltf. mot. to compel ans. (AEB-J) cps mld. ho	
5-31	89	Deft. Emerson Electric Co. appl. for ext. of time to respond. fld. ho O to J.	
5-31	90.	Order, filed, granting deft. Emerson Electric (Tuttle Elec.) until 6-30-77 to file a responsive brief to pltf's motion to compel answers to interrogatories. (AEB-J)k cps mld	
6-17	91.	Pltf's proposed pre-trial order, filed.k	
6-20	92	Pltf. <u>DEMAND FOR JURY TRIAL</u> , fld. ho	
6-30	93	Deft., Tuttle Electric Products Division-Emerson Electric Co., mot. for protective order. fld. ho	
6-30	94	Deft., Tuttle Electric Products Division-Emerson Electric Co., brief in supp. of mot. for protective order and opposing mot. to compel ans. to interrog. fld. ho	
6-30	MO	It is ordered that the Pltf. file a responsive brief w/in 10 days to Deft. Tuttle Electric mot. for protective order. (AEB-J) cps mld. ho	
7-8	95	Pltf. response to Deft. Emerson Electric mot. for protective order. fld. ho	
7-28	MO	Case referred to Mag. Robert S. Rizley for findings and recommendations on pending motions. (AEB-J) rla	
8-26	MO	Case set for hrg. before Mag. on discovery mots. on 9-9-77 at 2:00 pm. (RSR-Mag)k ntc by KT	
8-31	96	Deft. Tuttle not. to take depo. of George Tabac, Wm. F. Kinney, & R.D. "Bob Croon, on 9-22-77 in Wood Dale, Ill. fld. ho	
8-31	97	Deft. Tuttle not. to take depo. of Louis Cherry on 9-19-77 in Tulsa. fld. ho sub. issued.	
9-1	MO	Hrg. on mots. before Mag. set for 9-9-77 at 2:00 p.m. is stricken and reset on 9-9-77 at 1:30 p.m. (RSR-Mag)k ntc by mr	
9-6		Ret. of USM service of Depo. Sub. fld., Served Louis Cherry on 9-2-77 in Tulsa. (USM \$3.20) ho	
9-9	Min.	Case called for hrg. on discovery mots. Parties represented. Mag. recommends pltf's mot. and deft. Tuttle's mot. be overruled in part and sustained in part. Pltf. counsel to prepare F&R of Mag. w/in 10 days. (RSR-Mag)k	
9-22	98.	Deft. Tuttle's appl. to complete discovery & file pre-trial order 11-8-77, filed.k O to J as part of appl.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1977			
9-23	--	Order, as part of appl., filed, granting deft Tuttle until 11-8-77 to complete discovery and file a proposed pre-trial order. (AEB-J)k cps mld to movant	
9-29	99	Order, fld. It is ordered that w/in 10 days from the date of this order, the Deft. ans. the Pltfs. interrog. numbered 25, 26 and 27, provided however, that Deft. may limit its ans. to sales to customers made w/in the U.S. during the years 1970-1976. (RSR-Mag.) cps mld. ho	
11-29	100	Deft. Tuttle Elec. appl. for ext. of time to complete discovery & present proposed PTO. fld. ho 0 to J. 0 as part of appl.	
12-1		Order, fld. as part of appl., granting Deft. Tuttle Elec. an ext. of time until 1-7-78 to complete discovery & file a proposed PTO. (AEB-J) cps to movant. ho	
12-8		Depo. of Louis E. Cherry taken of behalf of the Defts. on 9-21-77 in Tulsa, before Dori Cutchall, LSR. fld. ho	
1978			
1-20	MO	Case set for disposition on 2-1-78 at 10:00 a.m. for failure of parties to file an agreed pre-trial order. (AEB-J)k ntc by cert ml	
1-24	101	Deft. Tuttle appl. for ext. of time to complete discovery & present proposed PTO & to remove this case from PT setting. fld. ho 0 to J. 0 as part of appl.	
1-24	MO:	The Court has for consideration the application of Tuttle Electric Products Div. Emerson Electric Co., for extention of time to complete discovery & present proposed pretrial order of 45 days, & to strike from disposition docket set 2-1-78, finds that said application should be granted. IT IS SO ORDERED. (AEB-J)b nts mld	
2-21	102	Proposed pre-trial order of deft. Tuttle Electric Products Division- Emerson Electric Company, filed. k	
2-24	MO	It is ordered that this case be referred to Mag. Rizley for PT, pursuant to M-128 and Title 28 U.S.C. §636 et seq. (AEB-J) c/m ho	
3-1	103	Pltfs. first request for production & inspection, fld. ho	
3-9	MO:	Case set for pre-trial before Mag. Rizley on 3-20-78, at 2:15 P.M. (RSR-Mag) b nts by KT	
3-20		Case called for hearing before Mag. Rizley for pretrial. Parties present. Pre-trial held. Discovery to be completed by May 15, 1978. All motions to be filed not later than 5-1-78. Responses to motions to be filed not later than 5-10-78. Final pre-trial to be held on 5-15-78. (RSR-Mag) b	
4-4	104.	Deft.'s response to Pltf.'s request for production and inspection, fld. v	
4-4	105.	1st Amended Suppl. Answers of Emerson Electric Co. to Pltf.'s 1st Set of Interrogs., fld. v	
4-11	106.	Notice of deft. Tuttle Electric Products Division- Emerson Electric Co. of taking deposition of Faye C. McQuiston, on 4-27-78, at Stillwater, OK, filed.k	
4-12	107.	Deft. Tuttle-Emerson's appl. for order compelling pltf. to answer interrogs., filed.k	
4-12	108.	Deft. Tuttle-Emerson's brief in support of appl. to compel, filed.k	
4-12	109.	Deft. Tuttle-Emerson's request for admissions of fact and second set of interrogs. to pltf., filed.k	
4-13	MO	Pltf. is ordered to file a responsive brief w/in 10 days to deft. Tuttle-Emerson's appl. for order compelling pltf. to answer interrogs. (AEB-J)k cps mld	
4-13	--	Depositions of Wm. Kinney, George Tabac and Refert D. Croon, taken on behalf of the deft., before Donna M. Curran, Notary Public, on 10-5 and 6-77, & exhibits, filed.k	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. 75-C-384 PAGE 9 OF 5 sheets PAGES
John Zink Company		Tuttle Electric Products Divi-	
DATE 1978	NR.	PROCEEDINGS	
4-26	110	Pltff's appl. for ext. until 5-5-78 to respond to deflt. Tuttle-Emerson's appl. for order compelling answers to interrogs., fld.k 0	
4-27	111	Order, filed, granting pltf. until 5-5-78 to respond to deflt. Tuttle-Emerson's appl. for order compelling answers to interrogs. (AEB-J)k cps mld to movant	
5-3	112	Pltff. mot. to deny Defts. request for order compelling ans. to interrog. & mot. for sanctions & atty. fees., fld. ho	
5-3	113	Pltff. brief in response to Defts. appl. for order compelling ans. to interrog. & brief in supp. of sanctions & atty. fees., fld. ho	
5-5	MO:	Case set for hearing before Mag. Rizley for pre-trial conference on 5-15-78, at 3:30 P.M. (RSR-Mag) b nts by KT	
5-10	114	Deft. Emerson second supplemental ans. to Pltffs. first set of interrog. fld. ho	
5-10	115	Deft. Emerson mot. to w/draw appl. for order compelling ans. to certain of Deft. interrog. fld. ho	
5-12	116	Pltff's request for production by deflt. Tuttle-Emerson, filed.k	
5-12	117	Pltff's objection to deflt. Tuttle-Emerson's 2nd suppl. answers to pltf's first set of interrogs. & motion to compel proper answers, filed.k	
5-12	MO	Deft. Tuttle-Emerson is ordered to file a response within 10 days to pltf's objection to 2nd suppl. answers to interrogs. and mot. to compel proper answers. (AEB-J)k cps mld	
5-15	118	Pltff. trial brief, fld. ho	
5-15	Min	Case called for hrg. on deflt. Tuttle-Emerson's mot. to compel, pltf's mot. to compel and for pre-trial. Parties represented. Deft mot to compel sustained and overruled in parts, pltf's mot. to compel sustained, & Mag. to prepare Order. Final pre-trial set for 6-22-78. Pltff. granted until 5-17-78 to respond to request & interrogs of 4-12-78 & til 5-30-78 to file mot for S/J. (RSR-Mag)k	
5-15	119	Motion of deflt. Tuttle-Emerson for partial S/J, filed, with affidavit of W. R. Seeley.k	
5-15	120	Brief in support of deflt. Tuttle-Emerson's mot. for partial S/J, filed.k	
5-16	MO	Pltff. is ordered to file a responsive brief w/in 10 days to mot. of deflt. Tuttle-Emerson for partial S/J. (AEB-J)k cps mld	
5-17	121	Pltff. response to request for adm. of fact & second set of interrog. of Deft. Emerson, fld. ho	
5-18	122	Order, filed, that deflt. Tuttle-Emerson's mot. to compel is sustained as to interrogs. 36, 52, 53(b) and 54(c), and overruled as to the balance. Pltff's mot. to compel defts. to answer interrog. 27 is sustained. Further, that parties file answers to interrogs. by 5-30-78 and pltf. is granted leave to file a mot. for S/J by 5-30-78. Further, pltf. is granted leave to respond to deflt. Tuttle-Emerson's request for admissions of fact and second set of interrogs. 5-17-78. (RSR-Mag)k cps mld	
5/24	123.	Joint appl. for ext. of time to file mot. for S/J, fld. y -o to Mag. Rizley.	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE 1978	NR.	PROCEEDINGS	
5-26	124.	Order, filed, allowing parties extension to June 9, 1978, to file motion for S/J. (RSR-Mag) b cps mld	
6-20	MO	Final pretrial conf. set before the Mag. on 6-22-78 is stricken, to be reset on 7-17-78. (RSR-Mag)k ntc by KT	
6-27	MO	Case set for final pre-trial conference before the Mag. on 7-17-78 at 9:30 a.m. (RSR-Mag)k ntc by KT	
6-30	125	Pltf. response brief to Deft. Emersons mot. for S/J. fld. ho	
7-17	MO:	On request of the parties, pretial conference is stricken & will be reset on 8-16-78. (RSR-Mag) b	
7-20	MO:	Case reset for PT conference on 8-15-78, at 11:00 A.M. (RSR-Mag) b nts by KT	
8-15	MO	By agreement of the parties, pre-trial hrg. set for 11:00 a.m. is passed to 9-5-78. (RSR-Mag)k ntc by KT	
8-17	--	Deposition of Faye McQuiston, taken on behalf of the defts. before Millie Ballard, RPR-LSR, on 5-4-78 at Stillwater, OK, filed.k	
8-17	MO:	Case set for pretrial conference on 9-5-78, at 11:15 A.M. (RSR-Mag) b nts by kt	
9-5	Min.	Pretrial conference is stricken from docket of this date. (RSR-Mag) b	
9-20	MO	Case set for hrg. before the Mag. on deft. Tuttle-Emerson's mot. for partial S/J on 10-2-78 at 9:30 a.m. (RSR-Mag)k ntc by KT	
10-2	Min	Case called for hrg. before Mag. on deft. Tuttle-Emerson's mot. for partial S/J and for pre-trial. Pltf. & deft. Tuttle-Emerson represented. Pltf. announces that dismissal w/out prejudice as to deft. Mortex, d/b/a Terrell J. Small Co., to be filed. Pre-trial conf. held. Parties to file approved pre-trial order this date. Deft. Tuttle-Emerson w/draws mot. for partial S/J and granted 2 weeks to file additional mot. for S/J. Pltf. given one week thereafter to file response. (RSR-Mag)k	
10-4	126	Pre-trial order, filed. (AEB-J)k	
10-20	127	Pltf. appl. for dismissal as to Mortex, Inc., d/b/a Terrell J. Small Co. fld. ho 0 to J.	
10-30	128	Order of dismissal without prejudice as to deft. Mortex, Inc., d/b/a Terrell J. Small Co., filed & entered. (AEB-J)k cps mld	
12-5	MO:	Case is set for non-jury trial on 1-15-79, at 10:00 A.M. (AEB-J)b nts cert w/affid.	
1-16-79	MO:	IT IS ORDERED that case is stricken from non-jury dkt. of 1-15-79, & reset on 2-20-79, 10:00 A.M. (AEB-J)b nts mld	
2-20-79	MO:	Non-jury trial is stricken from dkt of this date, due to illness of Judge Barrow. Parties advised to contact this office on 2-26-69, for new setting. (AEB-J)b nts by phone	
3-16-79	MO:	Case transferred to Judge Fred Daugherty (JCS-Clk)	
6-7	MO:	PT CONF. set Tues., 6/19/79 at 3:45 p.m. (FD-J)rm-notice	
6-19	Min:	PT HRG. Trial to be bifurcated. Deft. Tuttle dropped from suit. Parties to file req. inst. in 30 days. Deft. oral demand for JT granted. Case to be jury. Pltf. to prepare PTO 10 days. (FD-J)rm-notice	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO 75-C-384
John Zink Company		Emerson Electric Co.	PAGE 11 OF 6 sheets
DATE	NR.	PROCEEDINGS	
8-14-79	129	STIPULATION FOR DISMISSAL of Plaintiff's Complaint & Defendant's Counter-Claim. filed. js O to J	
8-23	130	ORDER, entered. It is ordered by the Ct. that the compl. of the Pltff. against the Deft. & the counterclaim of the Deft. against the Pltff. is dismissed w/prejudice to any future action. (FD-J)ho c/m re: Deft. Emerson Elec. Co.	
11-1-79		depe. not to counsel	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	